

Filed for intro on 02/22/95
Senate Bill _____
By _____

House No. HB1333
By Odom

AN ACT to secure to fire department employees of each county and municipal government within the state of Tennessee the right to meet and confer and enter into memorandums of understanding with their public employers upon conditions of employment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. There is hereby secured to all firefighters, emergency service employees, and other employees of the fire departments and fire-fighting organizations within each local government of the state of Tennessee, whether county, municipality, or other political subdivision, the right to meet, confer, and to negotiate with representatives of their governmental employer over wages, hours, safety standards of employment, and all other conditions of employment, in the manner and to the extent herein provided.

SECTION 2. The protection of the public health, safety, and welfare demands that employees of any fire department should not be accorded the right to strike or engage in any work stoppage or slow down. This necessary prohibition, however, shall not prohibit such employees from being represented by an organization of their choice, and from bargaining collectively over wages, hours, safety hazards of employment, and all other conditions of employment.

SECTION 3. The employee organization selected by a majority of the firefighters, emergency service employees, and other employees of fire departments shall be recognized by the proper local government, provided the employee organization does not advocate striking and has a "no strike" clause in any memorandum of understanding, as the sole and exclusive bargaining agent of all the employees of the fire department, including emergency service employees and other employees of the fire department. Such majority representation selections may be established by the employee organization's presentation of cards signed by a majority of the firefighters, emergency service employees, and other employees of the fire department, in such fire department, authorizing the employee organization to represent them as their collective bargaining representative; provided that if a majority signing such cards shall be less than fifty-one percent (51%) of the firefighters, emergency service employees, and other employees of the fire department, the local government may conduct a secret ballot election within thirty (30) days after presentation for the request for recognition, to determine if a majority of the firefighters, emergency service employees, and other employees of the fire department elect to be represented by such employee organization. Such election shall be conducted under administrative regulations promulgated by the proper local government.

SECTION 4. It shall be the obligation of the proper local government and the bargaining agent of the employee organization to meet and confer in good faith within thirty (30) days after receipt of written notice from the employee organization of a request for a meeting for collective bargaining purposes or within thirty (30) days after the conduct of an election under Section 3 confirming selection of such bargaining representative. This obligation shall include the duty to cause any agreement resulting from negotiations to be reduced to a written memorandum of understanding. No such memorandum of understanding shall exceed the term of three (3) years.

SECTION 5. Each local government may promulgate rules to resolve any and all unresolved issues between the proper local government and the employee organization.

SECTION 6. All notices required or authorized to be issued on the presiding official of the proper local government's legislative body and the administrative head of the employee organization are to be sent by certified mail, return receipt requested. This provision shall not preclude personal delivery or facsimile transmission of copies of such notices for the parties' personal convenience.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

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